

# Court of Appeals, State of Michigan

## ORDER

Ahmed Amr v Dr Linda Cox

Docket No. 357234

LC No. 19-001143-NH

Thomas C. Cameron  
Presiding Judge

Karen M. Fort Hood

Anica Letica  
Judges

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The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the circuit court's May 12, 2021 order is REVERSED, and the matter remanded for entry of an order denying the motion to compel discovery. "Parties are permitted to obtain discovery regarding any matter, not privileged, *that is relevant to the subject matter of the lawsuit*, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party." *Cabrera v Ekema*, 265 Mich App 402, 407; 695 NW2d 78 (2005) (emphasis added). But "a trial court should also protect the interests of the party opposing discovery so as not to subject that party to excessive, abusive, or irrelevant discovery requests." *Id.* In this case, plaintiffs merely speculate that the contract sought in discovery might contain information contradicting Dr. Frank McGeorge's deposition testimony and affidavit. Appropriate discovery "does not encompass fishing expeditions." *Augustine v Allstate Ins Co*, 292 Mich App 408, 419; 807 NW2d 77 (2011). "Allowing discovery on the basis of conjecture would amount to allowing an impermissible fishing expedition." *Id.* (quotation marks and citation omitted). The trial court thus abused its discretion by granting the motion to compel.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 26, 2021

Date



Chief Clerk